

authority conferred. So far as constitutional delegation of authority is concerned, the question is not essentially different from that which is raised by provisions with respect to reasonableness of rates, to discrimination, and to the issue of certificates of public convenience and necessity (*Intermountain Rate Cases*, 234 U. S. 476, 486; *Railroad Commission v. Southern Pacific Co.*, 264 U. S. 331, 343, 344; *Avent v. United States*, 266 U. S. 127, 130; *Colorado v. United States*, 271 U. S. 153, 163; *Chesapeake & Ohio Ry. Co. v. United States*, 283 U. S. 35, 42)" (287 U. S. at 24-25).

This statement is strikingly applicable to every question of delegation that can arise under the present bill, and plainly establishes its freedom from successful attack on this ground.

#### CONCLUSION

Enactment of the proposed public-utility holding-company bill is fully within the powers granted to Congress by the Constitution.

Mr. BARKLEY. Mr. President, as I understand, the Senator from Montana has not as yet concluded his remarks on the bill.

Mr. WHEELER. No; I have not.

Mr. BARKLEY. The Senator desires the floor when the Senate meets again?

Mr. WHEELER. Yes; I should like to have the floor at that time.

#### EXECUTIVE SESSION

Mr. BARKLEY. With the understanding that the Senator from Montana wishes to resume the floor at the next meeting of the Senate, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Harry N. Pharr, of Arkansas, for appointment as a member of the Mississippi River Commission, as provided by law, vice Charles H. West, deceased.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of George A. Gordon, of New York, now a Foreign Service officer of class 1 and counselor of embassy at Rio de Janeiro, Brazil, to be Envoy Extraordinary and Minister Plenipotentiary of the United States to Haiti.

The PRESIDING OFFICER (Mr. MINTON in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

The calendar is in order.

#### THE JUDICIARY

The Chief Clerk read the nomination of James H. Baldwin to be United States district judge, district of Montana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters on the calendar will be confirmed en bloc.

#### IN THE NAVY AND MARINE CORPS

The Chief Clerk proceeded to read sundry nominations of officers in the Navy and Marine Corps.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Navy and Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

#### RECESS TO FRIDAY

Mr. BARKLEY. As in legislative session, I move that the Senate stand in recess until 12 o'clock noon on Friday.

The motion was agreed to; and (at 4 o'clock and 50 minutes p. m.) the Senate, in legislative session, took a recess until Friday, May 31, 1935, at 12 o'clock meridian.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate May 29 (legislative day of May 13), 1935*

#### UNITED STATES DISTRICT JUDGE

James H. Baldwin to be United States district judge, district of Montana.

#### PROMOTIONS IN THE NAVY

John M. Creighton to be commander.  
Charles E. Rosendahl to be commander.  
John G. Moyer to be commander.  
William A. Corn to be commander.  
Norman E. Millar to be lieutenant commander.  
Alexander J. Couble to be lieutenant commander.  
Walter H. Roberts to be lieutenant commander.  
Leo B. Schulten to be lieutenant commander.  
Robert E. Melling to be lieutenant commander.  
Frederick B. Kauffman to be lieutenant commander.  
James C. Landstreet to be lieutenant.  
Sidney King to be lieutenant.  
Thomas M. Brown to be lieutenant.  
Claude A. Dillavou to be lieutenant.  
John S. Blue to be lieutenant.  
Merle Van Metre to be lieutenant.  
Spencer E. Dickinson to be pay inspector.  
Robert W. Clark to be pay inspector.  
Lawrence A. Odlin to be pay inspector.  
Ralph M. Warfield to be civil engineer.  
William C. Batchelor to be chief gunner.

#### MARINE CORPS

William C. James to be lieutenant colonel.  
Galen M. Sturgis to be major.  
William W. Davidson to be captain.

#### POSTMASTERS

#### CONNECTICUT

Joseph H. Driscoll, Branford.  
Irving H. Charlotte, Short Beach.  
Frank P. Ablondi, Stony Creek.

#### MONTANA

Clarence A. Smithey, Hamilton.

#### NEBRASKA

Ruben C. Volz, Bloomington.  
William E. McCaulley, Chappell.  
Jean D. Hubbard, Ingleside.

#### NEW YORK

William H. McLaughlin, Little Falls.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 29, 1935

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of the living, before whose eyes all creation lies unveiled, duty is calling. Enable us to conceive of Jehovah as Immanuel, "God with us." As heralds and leaders, do Thou come from behind the cloudy mists, and with hearts and minds may we bind up wounds and not make them; quench the fires of resentment and not kindle them. We pray Thee that we may not be worldly nor greedy, incautious nor careless, but be guided by the supreme law of all the earth, which is the law of humanity. Take from us, Heavenly Father, doubts and speculations and lead us to build higher than the waves of passion can reach. Widen our sympathy, broaden our understanding, and as we serve, grant, blessed Lord, that forbidding conditions everywhere may be conquered through calm and poise. O let wisdom, unselfishness, and cooperation break through and the spirit of triumph beat in all breasts. We thank Thee that Thy love is small enough to embrace a child and great enough to encircle the universe. Through Christ. Amen.

The Journal of the proceedings of yesterday, May 28, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 65. An act to provide for the establishment of a Coast Guard station on the coast of Virginia, at or near the north end of Hog Island, Northampton County;

H. R. 231. An act for the relief of Thomas M. Bardin;

H. R. 285—An act for the relief of Elizabeth M. Halpin;

H. R. 1291. An act for the relief of the Muncy Valley Private Hospital;

H. R. 1492. An act for the relief of Harbor Springs, Mich.;

H. R. 2015. An act for a Coast Guard station at the eastern entrance to Cape Cod Canal, Mass.;

H. R. 2689. An act for the relief of Mary Ford Conrad;

H. R. 3073. An act for the relief of William E. Smith;

H. R. 3285. An act authorizing a preliminary examination of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, N. Y., with a view to the controlling of floods;

H. R. 4528. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.;

H. R. 4630. An act for the relief of William A. Ray;

H. R. 4708. An act for the relief of E. F. Droop & Sons Co.;

H. R. 5210. An act to provide funds for cooperation with school district no. 17-H, Big Horn County, Mont., for extension of public-school buildings, to be available to Indian children;

H. R. 5213. An act to provide funds for cooperation with school district no. 27, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children;

H. R. 5216. An act to provide funds for cooperation with Harlem School District No. 12, Blaine County, Mont., for extension of public-school buildings and equipment to be available for Indian children;

H. R. 5547. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 6204. An act to authorize the assignment of officers of the line of the Navy for aeronautical engineering duty only, and for other purposes;

H. R. 6315. An act to provide funds for cooperation with the school board at Medicine Lake, Mont., in construction of a public-school building, to be available to Indian children of the village of Medicine Lake, Sheridan County, Mont.;

H. R. 6372. An act to authorize the coinage of 50-cent pieces in connection with the Cabeza de Vaca Expedition and the opening of the Old Spanish Trail;

H. R. 6834. An act to revive and reenact the act entitled "An act authorizing Vernon W. O'Connor, of St. Paul, Minn., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn.";

H. R. 6859. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River at or near Old Pireway Ferry Crossing, N. C.;

H. R. 6997. An act authorizing the State of Illinois and the State of Missouri to construct, maintain, and operate a free highway bridge across the Mississippi River between Kaskaskia Island, Ill., and St. Marys, Mo.;

H. R. 7291. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Boca Chica, Tex.;

H. R. 7874. An act to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia; and

H. J. Res. 107. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1935, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 59. An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes;

H. R. 4665. An act authorizing the filling of vacancies in certain judgeships; and

H. R. 7205. An act to amend the Ship Mortgage Act, 1920, otherwise known as "section 30" of the Merchant Marine Act, 1920, approved June 5, 1920, to allow the benefits of said act to be enjoyed by owners of certain vessels of the United States of less than 200 gross tons.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested;

S. 5. An act to prevent the adulteration, misbranding, and false advertising of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes;

S. 11. An act to amend section 389, title 18, of the United States Code, being section 239 of the United States Criminal Code;

S. 12. An act to amend the Packers and Stockyards Act;

S. 272. An act for the relief of William Frank Lipps;

S. 280. An act for the relief of Hazel B. Lowe, Tess H. Johnston, and Esther L. Teckmeyer;

S. 430. An act for the relief of Anna Hathaway;

S. 490. An act for the relief of F. T. Wade, M. L. Dearing, E. D. Wagner, and G. M. Judd;

S. 578. An act authorizing the Secretary of the Interior to permit citizens of Bear Lake County, Idaho, to obtain timber from Lincoln County, Wyo., for domestic purposes;

S. 658. An act for the relief of K. W. Boring;

S. 895. An act to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.;

S. 928. An act for the relief of Rene Hooze;

S. 1010. An act for the relief of Fred Edward Nordstrom;

S. 1040. An act for the relief of George W. Miller;

S. 1045. An act for the relief of A. Cyril Crilley;

S. 1046. An act for the relief of E. Jeanmonod;

S. 1052. An act for the relief of the Washington Post Co.;

S. 1064. An act for the relief of Albert Gonzales;

S. 1070. An act for the relief of William A. Thompson;

S. 1138. An act for the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period;

S. 1326. An act for the relief of Robert A. Dunham;

S. 1577. An act for the relief of Skelton Mack McCray;

S. 1604. An act to provide for the better administration of justice in the Navy;

S. 1640. An act for the relief of Dan Meehan;

S. 1656. An act for the relief of Ward J. Lawton;

S. 1793. An act to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602);

S. 1833. An act for the relief of W. L. Horn;

S. 1929. An act to clarify the status of the National Zoological Park;

S. 1943. An act to prescribe the procedure and practice in condemnation proceedings brought by the United States of America, including acquisition of title and the taking of possession under declarations of taking;

S. 1949. An act authorizing the President to order David J. Fitzgerald before a retiring board for a hearing of his case, and upon the findings of such board determine whether he be placed on the retired list;

S. 1960. An act for the relief of the Florida National Bank & Trust Co., a national banking corporation, as successor trustee for the estate of Phillip Ullendorff, deceased;

S. 1973. An act to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts;

S. 1977. An act to amend the act approved February 15, 1929, entitled "An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the Regular Navy, or as warrant or commissioned officers in the United States Naval Reserve force, for the purpose of promotion to chief warrant rank;

S. 2076. An act for the relief of Domenico Politano;

S. 2119. An act for the relief of Amos D. Carver, S. E. Turner, Clifford N. Carver, Scott Blanchard, P. B. Blanchard, James B. Parse, A. N. Blanchard, and W. A. Blanchard, and/or the widows of such of them as may be deceased;

S. 2168. An act for the relief of the Bell Telephone Co. of Pennsylvania;

S. 2230. An act to authorize the Secretary of the Navy to acquire a suitable site at Pearl Harbor, Territory of Hawaii, for a rear range light;

S. 2259. An act to amend sections 966 and 971 of chapter 22 of the act of Congress entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, and for other purposes;

S. 2326. An act to authorize the Secretary of War to sell to the Eagle Pass & Piedras Negras Bridge Co. a portion of the Eagle Pass Military Reservation, Tex., and for other purposes;

S. 2361. An act to fix the compensation of registers of district land offices;

S. 2364. An act relative to the retirement of certain officers and employees;

S. 2373. An act for the relief of Harry Jarrette;

S. 2374. An act for the relief of Elliott H. Tasso and Emma Tasso;

S. 2378. An act authorizing the Secretary of the Navy to accept on behalf of the United States a bequest of certain personal property of the late Dr. Malcolm Storer, of Boston, Mass.;

S. 2393. An act for the relief of the widow of Ray Sutton;

S. 2426. An act to provide for the creation of a memorial park at Tampa, in the State of Florida, to be known as "The Spanish War Memorial Park", and for other purposes;

S. 2462. An act to provide funds for cooperation with the school board at Worley, Idaho, in the construction of a public-school building to be available to Indian children in the town of Worley and county of Kootenai, Idaho;

S. 2512. An act to acquire registration of persons engaged in influencing legislation or Government contracts and activities;

S. 2520. An act for the relief of T. D. Randall & Co.;

S. 2584. An act to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, by including therein the name of Gustaf E. Lambert;

S. 2589. An act to authorize the award of a decoration for distinguished conduct to Lewis Hazard;

S. 2591. An act for the relief of Lyman C. Drake;

S. 2608. An act to authorize an appropriation to pay non-Indian claimants whose claims have been extinguished under the act of June 7, 1924, but who have been found entitled to awards under said act as supplemented by the act of May 31, 1933;

S. 2621. An act to provide funds for cooperation with the public-school board at Devils Lake, N. Dak., in the construction, extension, and betterment of the high-school building at Devils Lake, N. Dak., to be available to Indian children;

S. 2635. An act authorizing the appropriation of funds for the payment of the award in claim of Sudden & Christenson, Inc., and others;

S. 2638. An act to amend the law governing the leasing of unallotted Indian lands for mining purposes;

S. 2642. An act to incorporate the American National Theater and Academy;

S. 2656. An act to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Indian irrigation projects and to lease the lands in such reserves for agricultural, grazing, or other purposes;

S. 2738. An act to authorize the use of park property in the District of Columbia and its environs by the Boy Scouts of America at their national jamboree;

S. 2899. An act to provide for increasing the limit of cost for the construction and equipment of an annex to the Library of Congress;

S. J. Res. 130. Joint resolution making immediately available the appropriation for the fiscal year 1936 for the construction, repair, and maintenance of Indian-reservation roads; and

S. J. Res. 131. Joint resolution providing for the participation of the United States in the Texas Centennial Exposition and celebrations to be held in the State of Texas during the years 1935 and 1936, and authorizing the President to invite foreign countries and nations to participate therein, and for other purposes.

#### ORDER OF BUSINESS

Mr. TAYLOR of Colorado. Mr. Speaker, during the past 20 years the House has never been in session on Decoration Day except on three occasions, and I feel sure the House does not want to be in session tomorrow. I therefore desire to submit a unanimous-consent request.

I ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet on Friday, and when the House adjourns on Friday it adjourn to meet on Monday.

In other words, I am renewing the request I made yesterday, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. HOFFMAN. I understood yesterday that when we adjourned we adjourned to look for that rubber stamp that the Supreme Court took away from us.

The SPEAKER. That is not a parliamentary inquiry. If the gentleman has a parliamentary inquiry he may state it.

Mr. HOFFMAN. I did.

The SPEAKER. That is not a parliamentary inquiry.

Is there objection to the request of the gentleman from Colorado?

There was no objection.

#### MEMORIAL DAY

Mr. LLOYD. Mr. Speaker, since the House will not be in session tomorrow, Memorial Day, and since I feel that some commemoration thereof should be had, I ask unanimous consent that I be permitted to proceed; and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. LLOYD. Mr. Speaker, on tomorrow morning a nation will pay its tribute to the silent cities of the dead. Embraced within their confines rest the honored souls of all the ages past. The good, the wise, the just, and all the hosts whose footsteps have echoed down the corridors of time are resting there, untroubled by the petty woes and griefs that mark this vale of tears. Trail blazers and singers of the songs of life; poets and scholars; philosophers and statesmen; the fair, the gnarled by life, the old, the young, the bad, the good—all have laid themselves down to cast aside their cares or rest their crowns. Their numbered days are done and they have passed into infinity, to become brothers to the countless worlds and myriad suns where neither care nor sorrow dwell, where move the atom and the universe alike, the care of Him who peoples all abodes of time.

And some have left this vale called life, with none to mourn, and some with little reckoning, and some have washed

away the grime of life's mistakes with tears of gratitude drawn from a sorrowed, saddened world. But all are equal now. And some have lived, as men believe, in careless fashion, and some have moved with honor's garlands entwined upon their brows; but each has filled his place in life according to the plan the Master only knew, and all sleep side by side, and the greensward of eternal promise throws its mantle of oblivion over all. And who shall say that one was great, or yet another small, or one was gifted more than another one, or one was good or one was bad, unless he know the plan that rules the atom in its invisible orbit with the same fidelity it measures the course of the flaming, thundering sun that lights the firmament for the eyes of man to see? Who shall measure time or space or God by human rule, and who shall set a standard of human make to compass God's design? All men are mortal, and in God's good time each shall play his part and fade away; yet each shall be a stone, no matter of what size or shape or marred by imperfections, as men see, and each shall be a unit in the infinite temple builded by Him.

And so we pay them reverence not for the good they did nor for the beauty of their lives, nor for the acclaim men lavished on them here; for all the good and beauty, wealth, honor, and acclaim of men, are but the symbols by which each man in pride attempts to measure his own vanity. We do acclaim them now, because each one—the proud and great, the meek and lowly, all—have served the Master's hand, and each, in turn, passed on to seek the great adventure in the land called "Death", beyond whose border lies a mystery mortal man can never know.

But since we have no standard but of man to measure men, we dedicate a day to commemorate our honored dead. For those who gave their all for country's weal we come with garlands and with flags, offering in humble simplicity our small tribute to attest their greater service.

They once lived here as we. With hope and life, they struggled and they lost or won in search of happiness—the common goal of men. But all their hopes and their ambitions they laid aside when country called. For the flag they lived and suffered and some under its streaming banners died and mantled in its folds were laid away to rest. They sleep in endless silence now; but the same flag that promised them honor then holds forth the same promise to generations yet unborn.

We bring them garlands, sweet with spring's perfume and all bedewed with loving tear; but unless we bring them fulfillment of the promise of the flag they loved and served those flowers will wither and fade in solemn mockery of an unkept troth.

That flag beneath whose folds they lay promised peace and human happiness; it promised equal opportunity for all; it promised freedom for men's souls and brains; it promised freedom from the fear of poverty and want; it promised banishment of lust and greed for gold and power and rank; it promised service to the rich and poor, the high and low alike, and its covenants written in blood were made with all mankind.

Perhaps these dead await the keeping of the faith. Perhaps upon some far-off shore, beyond the cold and silvery winter noon's faint glow, beyond where the noonday sun's most far-flung ray can reach, beyond the point where human thought can pierce, they wait, and, knowing, wait, and know they died in vain.

We are the keepers of that proud flag's honor; we are the guardians of its faith. These dead are calling now that we perform the trust. No matter if the road is rough and disappointments mark the way, those hardships we expect as pioneers who blaze new trails and chart strange seas. Let doubters' lips be hushed, for history tells a tale that must bring hope to every living man. The world has moved on flying wings along the way of progress for humankind since galley slaves were chained to oars and bared their bleeding backs to a master's lash.

Our goal is the pole star of truth. Its ever present, frosty gleam beckons us on across the dread waste of unexplored worlds of human experience. At the end is justice and equal opportunity for all.

## EXTENSION OF REMARKS

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address—

Mr. SNELL. Mr. Speaker, I thought it was understood we were not to transact any business today.

The SPEAKER. The Chair is simply going to recognize Members to ask unanimous consent to extend their remarks and not to present any business.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by Gen. William Mitchell in Boston on May 25.

Mr. SNELL. I object, Mr. Speaker.

## SHALL THE PEOPLE RULE?

Mr. HILDEBRANDT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HILDEBRANDT. Mr. Speaker, every reactionary in the United States, as well as some who are not reactionaries but who have a confused view of facts, welcomed gleefully the decision of the Supreme Court declaring the N. R. A. and the Frazier-Lemke farm mortgage moratorium law unconstitutional.

Every clear-visioned advocate of social justice regarded the decision as a blow at progress, regardless of how much or how little good the N. R. A. has accomplished.

Had Thomas Jefferson been alive when these decisions were handed down he might well have said, "I told you so!" and reminded the American people of his assertions that no government should have a perpetual law or a perpetual constitution; that constitutions ought to be changed at least every 35 years; and that courts are apt to arrogate to themselves powers that do not rightfully belong to them. Jefferson would probably also have declared with vigor that the founding fathers never intended to have the Supreme Court usurp legislative powers and veto laws when it wants to. He would undoubtedly have stated that the national lawmaking body ought to be its own judge of whether the statutes it enacts are constitutional or not.

If the Supreme Court is to determine the constitutionality of laws at all—which some of our ablest thinkers insist was not dreamed of at the time of the adoption of the Constitution—it ought, at least, to have sufficient breadth of mind and reasonableness to interpret in the light of modern conditions a document drafted when monopolies, labor unions, railroads, telephones, telegraphs, automobiles, airplanes, radio, and a thousand other things of the twentieth century did not exist. The least educated farmer or factory employee or section hand in my congressional district has sense enough to know that regulations prepared in an age of oxcarts and mules are not likely to be altogether appropriate in an era of trains and flivvers and blimps. May we expect equal intelligence on the part of the Supreme Court? Evidently not.

There has been criticism from reactionary sources of our brilliant Under Secretary of Agriculture, Dr. Rexford Guy Tugwell, because he once mentioned that people have sometimes overdone matters by idolizing the Constitution. To me it seemed that this was one of his most excellent remarks. Certainly no document written by human hands is so perfect—not even the remarkably able American Constitution. The fact that it has been amended a score of times speaks for itself. The fact that so soon after its adoption the Bill of Rights, consisting of the first 10 amendments, was added is also significant. Let us not forget that Thomas Jefferson was greatly dissatisfied with the Constitution in the form in which it was first accepted, and considered the Bill of Rights fully as important as the main document.

Smith, in *The Spirit of American Government*, quotes these words of Woodrow Wilson, who was unquestionably an authority on history:

The document (the Constitution) had been originated and organized upon the initiative and primarily in the interest of the mercantile and wealthy classes. Originally conceived as an effort

to accommodate commercial disputes between the States, it had been urged to adoption by a minority under the concerted leadership of able men representing a ruling class.

When the Constitution was adopted, it is noteworthy that only six States adopted it without any qualifications, while the remaining seven States in approving it recommended amendments ranging from 4 proposed by South Carolina to 32 favored by New York. Only a very small minority of the citizens could vote in those days, so the Constitution was adopted by a minority vote. Wilson, in his *History of the American People*, says (vol. III, pp. 120, 121):

There were probably not more than 120,000 men who had the right to vote out of all the 4,000,000 inhabitants enumerated in the First Census (1790).

Just think of the absurdity of expecting the United States of 1935, with 120,000,000 people, to be governed down to the slightest detail by a basic law drafted by a voting fraction of 120,000 people!

Considering the corporation-lawyer careers of some of the Supreme Court's members, nothing else could be expected than hostility to social justice legislation. Most of us did, however, look for a more enlightened stand on the part of the supposedly liberal jurists on the high bench. It may be fortunate that we have been disappointed in them, for it may whip us on to terminate this indefensible exercise by the Supreme Court of veto power. Tyranny, if given rope enough, will usually hang itself. The Supreme Court is no exception to this rule, even though its intentions are laudable and its members honestly and mistakenly believe they are engaged in a sacred task of preserving the Constitution.

I repeat, I am not defending the N. R. A. itself. The accusation that it has often helped big business and injured little business and that it has often made the economic struggle more severe for the farmer and worker, instead of less, is true. It is also true that it has more than once made ruthless and unscrupulous employers wince when it forced them to pay higher wages and reduce hours of labor. But it is not a question of whether the N. R. A. is 100 percent good or 100 percent bad or 50-50 or some other proportion of good and bad. Neither is it a question of whether too much power has been lodged with the President.

It is a question of exactly this: Shall Congress be permitted to enact legislation to protect the destitute, the aged, and all others who are victims of capitalistic cruelty? Shall an academic body, unreachable by the people, appointed for life, and largely schooled in an atmosphere of wealth and exclusiveness, succeed in throttling such legislation practically every time it is passed?

To this question the great mass of industrious citizens of the Republic will answer with a thundering "No!"

Neither property rights nor antique documents should ever obstruct human rights. The rights of the whole people precede the rights of any corporation complaining about regulation and any mortgage holder who wants to evict a helpless and broke farmer. The rights of the whole people also take priority over any constitution ever penned in any age or any country, even our own.

If new social justice legislation can be enacted that will not be declared unconstitutional, well and good. But the chances are that it will also be so characterized by the present Supreme Court—and must people starve while we are waiting for a change in the Court's personnel?

Perhaps temporary statutes may be drawn up that will get by this tribunal with its openly reactionary attitude.

But in the long run two permanent methods of relief seem to me the only ones:

First. Amend the Constitution sufficiently so that the Government can take any steps it finds necessary to assure every able-bodied, full-grown citizen engaged in useful labor of the comforts of life, as well as to assure the same to the disabled, sick, aged, and minors.

Second. Amend the Constitution so that henceforth the Supreme Court will never again have the power to block humanitarian enactments by branding them unconstitutional.

#### EXTENSION OF REMARKS

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* and include therein certain excerpts not from General Mitchell.

Mr. SNELL. Mr. Speaker, I object to any excerpts, but not to the gentleman's own remarks.

The SPEAKER. Objection is heard.

#### SUPREME COURT DECISIONS

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* and include therein a statement that appeared in yesterday's *Washington Post* on the question of the Supreme Court having the right to nullify acts of Congress.

Mr. SNELL. Mr. Speaker, I object to the inclusion of any extraneous matter.

Mr. MONAGHAN. Then, Mr. Speaker, I ask unanimous consent to extend my own remarks in the *RECORD*.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MONAGHAN. Mr. Speaker, the decision of the Supreme Court Monday which was simultaneous with my delivery of the speech criticizing Congress' laissez faire policy in permitting the Supreme Court to exercise this power of voiding acts of Congress should convince Congress all the more of the need of congressional action looking to the curbing of this extreme power.

In two very splendid articles by Raymond Clapper, appearing in the *Washington Post* on Tuesday, May 28, and Wednesday, May 29, under the caption "Between You and Me", Mr. Clapper points out the very thing which I have pointed out to the Congress before, namely, that such a power, if it exists, should be more in the nature of an advisory power such as that enjoyed by the attorney generals of the various States and the Attorney General of the United States, and that it should be exercised only in that manner. This is fully in line with the statement of Andrew Jackson that we should give only such weight and force as their judgment should command.

Consider the turmoil into which a nation is plunged when it must await upon the judgment of nine men, and when no finality is given to an act of Congress signed by the President of the United States. Destroy that power by legislative act and you will do more to promote human justice in industrial relationships than any single act that could be performed by the Congress. Let this power continue, if you will, only insofar as it may be responsive to the Congress, the duly elected representatives of the people.

Between the time when the law first takes effect and the time when the Supreme Court declares its decision is a period of doubt and uncertainty which shrouds business activity. In the case of the N. R. A., its activities had penetrated into the very vitals of American economic life. If this power is permitted to remain in the hands of the Supreme Court—which I hope and trust the Congress does not further allow—then two things at least should be done: The decision should be made by a more substantial number of the Court, preferably all, and action should be immediate as in the case of the President's vetoing an act of the Congress. All this leads us back to the suggestion made in my first speech to the Congress on this subject, May 8, wherein I stated that the Supreme Court should be invited in by committees to give advisory opinions, as is done in Massachusetts.

The Court in the *Schechter* case went further, it appears, than in any of its previous decisions in curtailing the application to business activity of the interstate-commerce clause. In so doing it rendered doubtful a great deal of legislation that might come constitutionally within the scope of that clause, even under previous decisions.

Today we are past the day of the oxcart and stagecoach. Means of communication are rapid—radio, telephone, telegraph, wireless, airplanes, fast-moving automobiles, and trains have so linked up our Nation, and it is so interconnected and interrelated that the needs of the time demand

broad rather than narrow legislation in connection with the interstate commerce clause in keeping with the progress of science and our age. The power of the Supreme Court, therefore, it can readily be seen, destroys legislation in keeping with that rapid development.

Speaking in the dicta of former days, the thought of former days, and the reasoning of former days, the Congress of the United States is by sheer expediency, even if you would not concede by any other motive, compelled in a measure to think in terms of modern ideas, advanced principles of invention and science, and interlocked necessities of a great and widely scattered, although collective, peoples. "Forward!" is the cry of America; "forward!" is the cry of the New Deal, forward is what the American people want; and forward they will get to a larger extent when the Congress of the United States exercises its power under the Constitution to curb the Supreme Court's power to void its acts.

#### AMERICAN PEACE AND NEUTRALITY

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an excellent radio speech on the subject of neutrality, all written by myself. [Laughter.]

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, we have so many serious problems that talk seems futile, but I think the problem of war is serious enough to consider at any and all times. I have recently made speeches on the subject of neutrality by this country in case of war and have made practically the same speech over Station WMCA in New York on May 27, and on the same night before an audience of four or five thousand at Carnegie Hall in New York City; also over the Columbia Broadcasting System, Sunday, June 2, and people tell me that if my potential audience listened, that altogether some one or two million people have heard it.

And today I again deliver substantially that same talk and at least it will be a matter of record, and time will tell whether or not my statement is worth anything.

We who know war do not want it again, either for ourselves or for our children. No one wants war for their own children, so our hope in life should be not to have war at all for anyone or any nation. And it is a tremendous responsibility for the Congress of the United States.

Mr. Speaker, as the records of this House will show, I have introduced a resolution or bill on the subject of peace and neutrality in event of war; so have my friends Senators NYE and CLARK, Congressman KLOEB, and others. Mine is House Joint Resolution 259, and a full copy is included in the CONGRESSIONAL RECORD of April 24, 1935.

If this resolution is enacted, it becomes a fundamental principle of our relations with foreign nations that is intended to guide us in the future like any other law. Senators NYE and CLARK are on the Munitions Committee, you know, and in my opinion are doing the greatest work of many sessions of Congress, because they are getting information never gotten before out of the archives of the World War, and are bringing to light hundreds and hundreds of facts that the people ought to know. If the people of the United States knew then what they know now, or if they will take the trouble to learn that all wars have no real basis except selfishness and hate, then possibly we can stay out of another. If anyone wants to study the legalistic phases as well as emotional phases of our entry into the World War, I refer them to the CONGRESSIONAL RECORD of 1916 and 1917. All of this is worthy of our study so we will not repeat the same mistakes.

Mr. Speaker, I shall, therefore, with your permission, describe to you the resolution which I have introduced, and which, though differently worded from the Senators', has for its purpose the staying out of war.

The caption says that it is:

To define a national policy of peace and neutrality, to prohibit certain transactions with belligerent nations, to protect American sovereignty—

and then, with a lot of whereases, it is brought out that—the United States should maintain its neutrality in the event of armed conflict between foreign nations. And that the United States should, prior to any such armed conflict—

That is, now—

define by law its policies in such event.

Let us discuss the history of the World War, at least in its psychological phases.

You all remember that hateful summer of 1914. I was a soldier, many of you were, also; and a very few of you were then Members of Congress. Europe had then for some years been in tension. There were all kinds of things that they called "incidents", and these incidents were the things that set off the powder kegs of Europe. Somebody killed an archduke; then, suddenly were heard the marching feet of men across Europe and the rumbling of wheels going on to the war fronts. You remember it; all that terrible tragedy of men going off and waving back, with smiles on their faces, and women kissing them on the streets; and the horror of it is now much worse than it was then, because many of us saw those same men killed on the battlefields. We should realize the falseness of the feelings we had at that time. We are 18 years older now; let us look at our emotions in calm retrospect. Let us coldly analyze ourselves and the war times.

Let us specifically consider the World War. There is no use in being sentimental about this thing, for death marches on. What happened first? About the first thing that happened was that the British got control of all the cables coming into the United States. Right from the first there was a feeling against Germany, and there were people taking sides instead of being neutral. With dozens of the best British novelists serving as war correspondents, giving free hand-outs to the American correspondents, the news that came to America was colored in favor of the Allies. Then, you remember, the Germans sank the *Lusitania*, and the bloody spiral of war whirled faster and faster.

But what were we doing in America at the same time? It is easy enough for the American people to lay it on Wall Street, but what about the people themselves? We got in the war of our own accord just as much as the Wall Street bankers got us into it, and we do not gain anything by merely saying the Wall Streeters did it, anymore than the Wall Streeters gain anything when they accuse somebody of being a Communist for using their own brains. Do not blame it on the Wall Street bankers, but go back into our own souls and our own practices at that time.

And, of course, the game of killing went on. And what were we doing all through that? Our financiers made loans to the Allies, and for the reason that Germany was blockaded and we could not sell merchandise to them. Credit was advanced lavishly, and American goods were also sold by the billions of dollars at excessive profits. German propaganda was clumsy and ineffective; the British propaganda, which was in our own language, kept getting better and better. The British blockade became perfect. So the mad dance went on. Let us remember that the loans to the Europeans were made by bankers; the Europeans never got money, but only credit for merchandise that they purchased at profits from 300 to 600 percent; the industrialists over here got their profit in cash, with which they bought more stocks and bonds, and more and more they concentrated the wealth of this Nation in a few hands. All of which is being paid for today by the ordinary people of the United States. But nothing was improved by the World War; if anything, seeds for more war were sown.

Now, why did we finally enter the World War? It was because we had not maintained neutrality from the first. How are we going to stay out of a war if one starts? The answer is: By maintaining neutrality from the very beginning and by not meddling in affairs that do not concern us. In the last war, we killed ourselves with moral pretense and made money off munitions with which the Europeans killed each other. I propose that in the next war that we drop moral pretense and likewise eliminate moneymaking from

the killing of men, whether Americans or just our fellow human beings.

Here is the policy as expressed in the resolution:

It is hereby declared to be the policy of the United States that the United States maintain peace and good will to all nations.

Of course, the pacifists will say that this will not stop a war and, of course, I promptly agree that it will not. However, our intentions shall be known to all the world and the other provisions of the law may possibly effectuate the policies of peace.

Again, to quote the law exactly. It says:

That the military and naval forces of the United States shall not be used in aid of or against any foreign nation, except to protect the United States and places subject to its territorial jurisdiction.

Get that. We only use troops at home; we do not send our boys off to get killed.

And then it says:

That no part of the military or naval forces of the United States shall be transported to or used upon the soil of any foreign nation for the purpose of engaging on behalf of or against any foreign nation in armed conflict.

This makes it plain.

Now, it seems to me that every honest American, militarist or pacifist, or whatever he is, ought to agree on neutrality. Personally, I am for national defense, and I should think that every person believing in national defense, if he really believes in defense only, should be willing to keep the soldiers at home.

Now comes a very important section, which is the fourth, and deals with the prohibition on contracts and loans. It says that the United States shall not enter into any contract with any belligerent foreign nation to furnish munitions of war, or articles declared to be contraband. Second, to make any loans or extend any credit to any belligerent foreign nations, although this section shall not apply to loans already made; which means that it will not constitute a cancellation of any existing indebtedness. And then, in section 5, it says that no court shall have jurisdiction of any such claim.

Section 6 refers to the limitations on exports and shipping. It says:

There shall not be exported from the United States or any place subject to the jurisdiction thereof, directly or indirectly, to any belligerent foreign nation or national thereof any munitions of war or any article declared to be contraband of war by such belligerent foreign nation or by any foreign nation with which such belligerent foreign nation is engaged in armed conflict.

It also provides that no military vessel or military aircraft shall navigate the waters or air space of the United States; that foreign ships shall not be permitted to fly our flag; that no vessel of American registry shall be chartered for the purposes of any foreign nation, and so on. So, after having made it so that warring nations cannot get any money, we put the kibosh on the shipping. If we had done that in the World War, and if we had not shipped anything or sold anything to the Allies, maybe we would not have gone to war.

The resolution also provides that Americans lose American protection if they enlist in foreign armies. Recruiting for foreign armies is also forbidden in another section. The reason I think this is a good provision is that a lot of boys joined various foreign armies, then came back and stirred up war hysteria. If a man wants to fight, let him fight for his own country, and at home.

Then section 8 prevents American citizens from getting passports, except under rules and regulations as the President shall prescribe. News reporters and others, whose private affairs make it necessary, can probably get passports, but it is presumed that they do so upon their own responsibility.

The last section deals with the severe penalties meted out to all who violate the law.

Again, and, of course, many people will say this will not stop a war. But the provisions certainly directly meet the situation of our recent history in the World War. I think

it quite obvious, as I've said before, that if we keep out of situations that lead to war, we may stay out altogether. The war fever might not ever rise. If the contending countries know that they have no chance to get us into the war, or if they think they cannot get any help from the United States of America, they may not only abandon any effort to draw us into war, but even withhold from making war themselves.

My idea is that before there is any situation similar to the World War—before any hysteria begins to be engendered—we get the law passed at this time, and then, perhaps it will hold down war passions and hatred long enough to avert a war.

I believe that this is one of the most important subjects in the world today. I think it extremely important that the American people should develop a pacific type of mind, that is to say, a deep heart-felt desire for peace. We all believe in national defense and we should, of course, defend ourselves. It is probably true that a nation that will not defend itself will be blotted out, but talk of war sometimes leads to war.

Mr. Speaker, I have an idea that is not shared by a great many people, concerning the situation in Europe. I am frank to say that I think there is no danger of war in Europe, and I base this on the fact that all Europe is war weary; that they have already fought themselves to death; that they are sick and tired of it, and that there is not a single European that wants any war, except possibly a few munitions manufacturers.

The psychological state of Europe is of course extremely dangerous, but I am of the belief their war consciousness is based on the fact that they are afraid someone will attack them. I have no idea that Germany intends to attack France, or vice versa; or that Russia, with the largest and most efficient army in the world, desires one inch more of territory than she now owns.

We can remember when the King of Yugoslavia visited France, that he was murdered. In the days of 1914 the spark of war was ignited by the killing of an archduke, but the war-weary people of Europe did not go to war on the killing of a king, this 20 years after; and his tragic death was only viewed as unnecessary, and not the occasion for a war.

I believe that every country on the face of the earth is spending too much on preparation for war; that this money could be better expended upon building up our various nations, and for the propagation of peace. We in this country are spending far too much on the Navy, building worthless battleships. For the price of one of these battleships, as obsolete as a Chinese junk, a thousand planes could be built, but better yet for the same price, 50,000 small farm homes could be built. My hope is, and I think it a safe conclusion, that the peoples of the world will some day realize the waste of great military and naval armaments, as they now realize the horror and futility of actual war, and will stop spending this money and come to their senses. My dream is that the nations of the world will some day, by international cooperation, stop this hideous business of war.

Therefore, we as a nation should establish ourselves as a peaceful people, utterly unwilling to engage in offensive world warfare, and, as I said early in my speech, this will undoubtedly have a good effect upon the world situation. By an absolute policy of neutrality and impartiality, by abandoning the high note of hypocrisy and faking that we assumed concerning the World War, we can first establish ourselves as a country with honorable intentions and then some day we may develop ourselves toward international cooperation for peace.

#### ASSESSMENT WORK ON MINING CLAIMS

Mr. LEWIS of Colorado submitted the following privileged report (Rept. No. 1038) from the Committee on Rules for printing in the RECORD:

#### House Resolution 231

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for

consideration of H. R. 1986, a bill to provide for the suspension of annual assessment work on mining claims held by location in the United States and Alaska. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Mines and Mining, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

#### WATER USERS ON IRRIGATION PROJECTS

Mr. LEWIS of Colorado submitted the following privileged report (Rept. No. 1039) from the Committee on Rules for printing in the RECORD:

#### House Resolution 232

*Resolved*, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1305, an act to further extend relief to water users on United States reclamation projects and on Indian irrigation projects. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the Chairman and ranking minority member of the Committee on Irrigation and Reclamation, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendments the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

#### EXTENSION OF REMARKS

Mr. MARCANTONIO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a joint statement issued by four Members of the House this morning, to wit, Hon. GEORGE J. SCHNEIDER, of Wisconsin; Hon. ERNEST LUNDEEN, of Minnesota; Hon. THOMAS R. AMLIE, of Wisconsin; and myself, of New York.

Mr. DUFFEY of Ohio. I object, Mr. Speaker.

#### ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, as I understand the situation, it is understood there is no business to come before the House on Friday?

The SPEAKER. Of course, that is a matter for the House to determine, but that is the understanding of the Chair.

Mr. TAYLOR of Colorado. My understanding is, Mr. Speaker, there will be no business transacted this week.

#### SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and an enrolled joint resolution of the Senate of the following titles:

S. 1023. An act to provide for the payment of a military instructor for the high-school cadets of Washington, D. C.; and

S. J. Res. 88. Joint resolution to abolish the Puerto Rican Hurricane Relief Commission and transfer its functions to the Secretary of the Interior.

#### ADJOURNMENT

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 14 minutes p. m.) the House adjourned to meet, in accordance with its previous order, on Friday, May 31, 1935, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. STACK: Committee on Public Buildings and Grounds. H. R. 5920. A bill to authorize the conveyance of certain Government land to the borough of Stroudsburg, Monroe County, Pa., for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route No. 498; with amendment (Rept. No. 1037). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 231. A resolution for the consideration of H. R. 1986; without amendment (Rept. No. 1038). Referred to the House Calendar.

Mr. LEWIS of Colorado: Committee on Rules. House Resolution 232. A resolution for the consideration of S. 1305; without amendment (Rept. No. 1039). Referred to the House Calendar.

Mr. TOLAN: Committee on Public Buildings and Grounds. H. R. 6645. A bill to amend the act entitled "An act to provide for the construction of certain public buildings, and for other purposes", approved May 25, 1926; with amendment (Rept. No. 1040). Referred to the Committee of the Whole House on the state of the Union.

Mr. WEST: Committee on Flood Control. S. 1470. An act to provide a preliminary examination of Spokane River and its tributaries in the State of Idaho, with a view to the control of their floods; without amendment (Rept. No. 1041). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 6988. A bill authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway No. 21 meets Texas Highway No. 45; without amendment (Rept. No. 1042). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 7044. A bill authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River at or near a point where Louisiana Highway No. 6 in Sabine Parish, La., meets Texas Highway No. 21 in Sabine County, Tex.; without amendment (Rept. No. 1043). Referred to the House Calendar.

Mr. WOLFENDEN: Committee on Interstate and Foreign Commerce. H. R. 7346. A bill authorizing the Delaware River Joint Toll Bridge Commission of the State of Pennsylvania and the State of New Jersey to construct, maintain, and operate a toll bridge across the Delaware River at a point between Easton, Pa., and Phillipsburg, N. J.; without amendment (Rept. No. 1044). Referred to the House Calendar.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. H. R. 7395. A bill authorizing M. R. Carpenter, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Potomac River between Old Town, Md., and Green Spring, W. Va.; without amendment (Rept. No. 1045). Referred to the House Calendar.

Mr. WOLFENDEN: Committee on Interstate and Foreign Commerce. H. R. 7591. A bill granting the consent of Congress to the cities of Donora and Monessen, Pa., municipal corporations, to construct, maintain, and operate a bridge across the Monongahela River between the two cities; without amendment (Rept. No. 1046). Referred to the House Calendar.

Mr. CROSSER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 7807. A bill authorizing the Brookwell Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.; without amendment (Rept. No. 1047). Referred to the House Calendar.

Mr. CHAPMAN: Committee on Interstate and Foreign Commerce. H. R. 7575. A bill to legalize a bridge across Black River on United States Highway No. 60 in the town of Poplar Bluff, Butler County, Mo.; without amendment (Rept. No. 1048). Referred to the House Calendar.

Mr. CROSSER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 7592. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at Sistersville, W. Va.; without amendment (Rept. No. 1049). Referred to the House Calendar.

Mr. O'BRIEN: Committee on Interstate and Foreign Commerce. H. R. 7620. A bill to extend the times for commencing and completing the construction of a bridge across

the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; without amendment (Rept. No. 1050). Referred to the House Calendar.

Mr. KELLY: Committee on Interstate and Foreign Commerce. H. R. 7780. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Boston, Ill.; without amendment (Rept. No. 1051). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 7809. A bill to extend the times for commencing and completing the construction of certain bridges across the Red River, between Moorhead, Minn., and Fargo, N. Dak.; without amendment (Rept. No. 1052). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. S. 1988. An act to extend the time for the construction of a bridge across the Missouri River at or near Rulo, Nebr.; without amendment (Rept. No. 1053). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MAY: Committee on Military Affairs. H. R. 839. A bill for the relief of Frederick Leininger; without amendment (Rept. No. 1036). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8266) to amend section 981 of title 4 and section 843 of title 6 of the Canal Zone Code; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 8267) to authorize the erection of a suitable memorial to Maj. Gen. George W. Goethals within the Canal Zone; to the Committee on Merchant Marine and Fisheries.

By Mr. DALY: A bill (H. R. 8268) to provide for the establishment of the Carpenters' Hall National Monument; to the Committee on the Public Lands.

By Mr. KELLER: A bill (H. R. 8269) to provide for increasing the limit of cost for the construction and equipment of an annex to the Library of Congress; to the Committee on the Library.

By Mr. KING: A bill (H. R. 8270) to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes; to the Committee on the Territories.

By Mr. LUCKEY: A bill (H. R. 8271) to amend the act entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes", approved May 22, 1928; to the Committee on Agriculture.

By Mr. EKWALL: A bill (H. R. 8272) to provide for the use of the U. S. S. *Oregon* as a memorial to the men and women who served the United States in the War with Spain; to the Committee on Naval Affairs.

By Mr. LEWIS of Colorado: Resolution (H. Res. 231) for the consideration of H. R. 1986; to the Committee on Rules.

Also, resolution (H. Res. 232) for the consideration of S. 1305; to the Committee on Rules.

By Mr. KEE: Resolution (H. Res. 233) directing the special House committee, appointed under House Resolution 203, to investigate the National Old Age Pension Forum,

J. E. Pope, Dr. J. E. Pope, and others; to the Committee on Rules.

By Mr. FISH: Joint resolution (H. J. Res. 303) to pay the adjusted-service certificates as a relief measure; to the Committee on Appropriations.

By Mr. BLAND: Concurrent resolution (H. Con. Res. 23) directing the Federal Trade Commission to investigate and report to the Senate and to the House of Representatives the cause or causes for the high prices of bunker fuel oil to the American-flag vessels and the manner in which such prices are made; to the Committee on Interstate and Foreign Commerce.

By Mr. LAMBETH: Concurrent resolution (H. Con. Res. 24) relative to disposition of certain publications; to the Committee on Printing.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By Mr. SPEAKER: Memorial of the State of Nebraska, memorializing to make a complete investigation of the sugar-beet industry; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GRAY of Indiana: A bill (H. R. 8273) granting a pension to Minnie E. Brooks; to the Committee on Invalid Pensions.

By Mr. GRISWOLD: A bill (H. R. 8274) for the relief of Bertha M. Harris; to the Committee on Claims.

By Mr. LARRABEE: A bill (H. R. 8275) granting an increase of pension to Charles Bess; to the Committee on Pensions.

Also, a bill (H. R. 8276) granting a pension to Nellie M. Taylor; to the Committee on Invalid Pensions.

By Mr. LUDLOW: A bill (H. R. 8277) granting an increase of pension to Mary E. Pierce; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 8278) for the relief of Earl Elmer Gallatin; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8650. By Mr. DORSEY: Petition of employees of the John Blood & Co., Inc., Philadelphia, Pa., registering their opposition to the Wagner labor-disputes bill; to the Committee on Labor.

8651. By Mr. KEE: Petition of L. D. Feuchtenberger and other citizens of Bluefield, W. Va., urging the Congress of the United States of America to eliminate the taxation of by the Federal Government; to the Committee on Ways and Means.

8652. By Mr. McLAUGHLIN: Petition memorializing the Congress of the United States to make a complete investigation of the sugar-beet industry; to the Committee on Agriculture.

8653. By Mr. PFEIFER: Petition of the Central Trades and Labor Council of Greater New York and vicinity, concerning the Wagner labor-disputes bill and extension of the National Recovery Act; to the Committee on Labor.

8654. By Mr. TRUAX: Petition of the Council of the City of Cleveland, Ohio, by their clerk, F. W. Thomas, urging adoption of the Costigan-Wagner antilynching law, as many citizens of the United States in various parts of the country have been lynched during the last few years, which shows an increase over previous years, causing public expression of condemnation by the people throughout the country; to the Committee on the Judiciary.

8655. Also, petition of Middlebury Council, No. 364, Jr. O. U. A. M., by their recording secretary, C. W. McDevitt, Akron, Ohio, urging support of House bills 5921, 6367, 7079, and 7223; to the Committee on Immigration and Naturalization.

8656. Also, petition of Western Council of the Dress Manufacturing Industry, representing approximately 500 manufacturing plants and employing tens of thousands of workers throughout the United States, by their chairman, Sam L. Haas, Cleveland, Ohio, urging continuance of the National Industrial Recovery Act for a sufficient period to give business certainty, and that said continuance be in such form that effective and speedy compliance may be had with codes adopted thereunder; to the Committee on Labor.

8657. Also, petition of the Ohio State Federation of Labor, Columbus, Ohio, by their secretary, Thomas J. Donnelly, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8658. Also, petition of Branch No. 100, National Association of Letter Carriers, Toledo, Ohio, by their secretary, V. M. Hoeffel, urging support of House bill 7688, introduced by Congressman MEAD, providing for the appointment and promotion of substitute postal employees, and also urging support of House bill 6990, which provides for a 40-hour week for all postal employees; to the Committee on the Post Office and Post Roads.

8659. By the SPEAKER: Petition of the Graphic Arts Association, Houston-Galveston region, protesting against rescinding order 7028 of the Post Office Department; to the Committee on the Post Office and Post Roads.

## SENATE

FRIDAY, MAY 31, 1935

(Legislative day of Monday, May 13, 1935)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

### THE JOURNAL

On request of Mr. McKELLAR, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, May 29, 1935, was dispensed with, and the Journal was approved.

### CALL OF THE ROLL

Mr. ASHURST. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Keyes	Reynolds
Ashurst	Coolidge	King	Robinson
Austin	Copeland	La Follette	Russell
Bachman	Costigan	Logan	Schall
Bankhead	Couzens	Loneragan	Schwellenbach
Barbour	Dickinson	McAdoo	Sheppard
Barkley	Dieterich	McGill	Shipstead
Black	Donahay	McKellar	Smith
Bone	Duffy	McNary	Stetson
Borah	Fletcher	Maloney	Thomas, Okla.
Brown	Frazier	Minton	Thomas, Utah
Bulkley	George	Murphy	Townsend
Bulow	Gerry	Neely	Trammell
Burke	Glass	Norbeck	Truman
Byrd	Gore	Norris	Tydings
Byrnes	Hale	Nye	Vandenberg
Capper	Harrison	O'Mahoney	Van Nuys
Caraway	Hastings	Overton	Wagner
Carey	Hatch	Pittman	Walsh
Chavez	Hayden	Pope	Wheeler
Clark	Johnson	Radcliffe	White

Mr. BARKLEY. I announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Louisiana [Mr. LONG], the Senator from Nevada [Mr. McCARRAN], the Senator from New Jersey [Mr. MOORE], the Senator from Montana [Mr. MURRAY], the Senator from Illinois [Mr. LEWIS], and the Senator from Mississippi [Mr. BILBO] are unavoidably absent from the Senate.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Rhode Island [Mr. METCALF] are necessarily absent, and that the Senator from Pennsylvania [Mr. DAVIS] is absent on account of illness.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

### TRIBUTE TO THE LATE SENATOR CUTTING

The VICE PRESIDENT laid before the Senate resolutions of Local Union No. 271, International Association of Machinists, of Birmingham, Ala., adopted as a tribute to the memory of the late Senator Bronson Cutting, of New Mexico, particularly in appreciation of his activities as a friend and champion of labor, which were ordered to lie on the table.

### RIVERS AND HARBOR APPROPRIATIONS—NOTICE

Mr. COPELAND. Mr. President, may I ask Senators who are interested in the river and harbor bill to be good enough to have their amendments ready by the first of next week? The Committee on Commerce has been having hearings for 2 or 3 weeks and has been working to get the bill in shape to be reported to the Senate. Some Senators have suggested to me that they desire to recommend changes in the bill and have amendments to offer to it. We should like very much, if I may make the suggestion, to have such amendments before us by Monday next.

Mr. McKELLAR. May we file them with the Senator who is the chairman of the committee or with the clerk of the committee? How will they get before the committee?

Mr. COPELAND. They may be filed with the clerk of the Committee on Commerce.

### CLAIMS OF CALIFORNIA INDIANS—RECONSIDERATION OF BILL

Mr. KING. Mr. President, on Tuesday last the Senate passed the bill (S. 1793) to amend the act entitled "An act to authorize the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 6502).

I desire to enter a motion to reconsider the vote by which the bill was passed, and I move that the House of Representatives be requested to return the bill to the Senate.

The VICE PRESIDENT. The motion of the Senator from Utah to reconsider the bill will be entered, and, without objection, the motion requesting the House to return the bill will be agreed to.

### PUERTO RICAN SUGAR PRODUCERS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Agriculture, reporting, pursuant to Senate Resolution 105 (submitted by Mr. VANDENBERG, and agreed to on Apr. 9, 1935), in relation to Puerto Rican sugar activities and producers, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry.

### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Interstate Commerce:

#### Joint resolution

Memorializing the Congress of the United States to eliminate the long- and short-haul clause from the fourth section of the Interstate Commerce Act

Whereas the long- and short-haul clause of the fourth section of the Interstate Commerce Act prohibits railroads from making a lesser charge for a longer than for a shorter distance over the same line in the same direction unless authorized to do so by the Interstate Commerce Commission; and

Whereas the higher rail rates from Wisconsin and other States in the Middle West to the Pacific coast than water rates from the Atlantic seaboard to the Pacific coast through the Panama Canal have resulted in Middle West manufacturers losing all or a substantial part of their markets on the Pacific coast to the advantage of their competitors located in the East; and

Whereas the elimination of the long- and short-haul clause from the fourth section of the Interstate Commerce Act would allow the railroads to establish reduced rates from the Middle West to the Pacific coast to meet this water competition without depressing below a reasonable level their rail rates to points inland from the Pacific coast where such water competition does not exist; and

Whereas such a readjustment of rail rates will enable Middle West manufacturers to regain a substantial part of their Pacific coast business, will result in increased employment in Middle West industries, will give added employment to labor in transporting such added rail traffic to the Pacific coast and will enable the railroads to earn some additional net revenue to the advantage of farmers and residents generally of the Middle West and West who must employ the railroads to transport their prod-